NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 111 LCR 65, dated Bangalore, the 22nd June 1965.

Ordered that the accompanying Notification No. S. O. 1044, dated the 23rd March 1965, *re*: The Prevention of Cruelty to Draught and Pack Animals Rules, 1965, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (ii), dated the 3rd April 1965, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

Under Secy. to Govt., L.D.

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GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 23rd March 1965.

S. O. 1044—In exercise of the powers conferred by sub-section (2) of section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of that section, namely :—

THE PREVENTION OF CRUELTY TO DRAUGHT AND PACK ANIMALS RULES, 1965.

1. **Short title and commencement.**—(1) These rules may be called the Prevention of Cruelty to Draught and Pack Animals Rules, 1965.

(2) They shall come into force in any State on such date as the State Government may, by notification in the official Gazette, appoint.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) "large bullock" or 'large buffalo" respectively means a bullock or buffalo the weight of which exceeds 350 kilograms.

(b) "medium bullock" or medium buffalo" respectively means a bullock or buffalo the weight of which exceeds 250 kilograms, but does not exceed 350 kilograms.

(c) "small bullock" or "small buffalo" respectively means a bullock or buffalo the weight o which does not exceed 250 kilograms.

(d) "street" includes any way, road, lane, square, alley or passage, whether a thoroughfare or not, over which the public have a right of way.

(e) "vehicle" means a wheeled conveyance of any description which is capable of being used as such on any street.

2. (1) For the purpose of clauses (a), (b), and (c) of sub-rule (1), the weight of an animal shall be determined by applying the formula—

$$\frac{\text{Length} \times \text{Girth in inches}^2}{300} = \text{Weight of the animal in lbs.}$$

3 **Maximum loads for draught animals.**—(1) No person shall cause any animal specified in column 1 of the table below to draw a vehicle of the kind described in he corresponding entry in column 2 thereof if it carries a load in excess of the weight specified in the corresponding entry in column 3 thereof,

1	2	3
Small bullock or small buffalo.	two-wheeled vehicle—	
	(a) if fitted with pneumatic tyres.	550 kilograms
	(b) if not fitted with pneumatic tyres.	400 kilograms
Medium bullock or medium buffalo.	two-wheelo vehicle—	
	(a) if fitted with pneumatic tyres.	700 kilograms
	(b) if not fitted with pneumatic tyres.	500 kilograms
Large bullock or Large buffalo.	two-wheeled vehicle—	
	(a) if fitted with pneumatic tyres.	850 kilograms
	(b) if not fitted with pneumatic tyres.	600 kilograms
Horse or mule...	two-wheeled vehicle—	
	(a) if fitted with pneumatic tyres,	750 kilograms
	(b) if not fitted with pneumatic tyers.	500 kilograms
Pony ...	two-wheeled vehicle—	
	(a) if fitted with pneumatic tyres.	600 kilograms
	(b) if not fitted with pneumatic tyres.	400 kilograms
6 Camel ...	two-wheeled vehicle.	1000 kilograms

(2) Where the vehicle to be drawn is a four-wheeled vehicle, the weight specified in column 3 of the said table shall, in each case, be read

as being one and a quarter times and, if the four-wheeled vehicle is one fitted with pneumatic tyres, as being one and a half times, as much as the weight so specified.

(3) Where the vehicle, whether two-wheeled or four-wheeled, is to be drawn by two animals of either species referred to in each of the entries in column 1 of the said table, the weight specified in the corresponding entry in column 3 thereof shall be read as being twice, and, if the vehicle is one fitted with pneumatic tyres, as being two and a half times as much as the weight so specified.

(4) Where the route by which a vehicle is to be drawn involves an ascent for not less than half a mile and the gradient is more than one foot in a distance of ten feet, the weight specified in column 3 of the said table shall, in each case, be read as being one half of what is so specified.

Explanation 1.—The weights specified in this rule shall, in each case, be inclusive of the weight of the vehicle.

Explanation 2.—In calculating any weight for the purpose of this rule, fractions shall be disregarded.

4 Maximum load for certain pack animals.—No person shall cause any animal specified in column 1 of the table below to carry any load in excess of the weight specified in the corresponding entry in column 2 thereof.

1		2
1	Small bullock or buffalo	100 kilagrams
2	Medium bullock or buffalo	150 kilograms
3	Large bullock or buffalo	175 kilograms
4	Pony	70 kilograms
5	Mule	200 kilograms
6	Donkey	50 kilograms
7	Camel	300 kilograms

5. Maximum number of passengers for animal-drawn vehicles.—No person in charge of any vehicle drawn by any animal referred to in column 1 of the table under sub-rule (1) of rule 3 shall allow more than four persons, excluding the driver and children below 6 years of age, to ride on the vehicle.

6. **General conditions for use of draught and pack animals.**—No person shall use or cause to be used any animal for drawing any vehicle or carrying any load—

(i) for more than nine hours in a day in the aggregate;

(b) "medium bullock" or medium buffalo" respectively means a bullock or buffalo the weight of which exceeds 250 kilograms, but does not exceed 350 kilograms.

(c) "small bullock" or "small buffalo" respectively means a bullock or buffalo the weight o which does not exceed 250 kilograms.

(d) "street" includes any way, road, lane, square, alley or passage, whether a thoroughfare or not, over which the public have a right of way.

(e) "vehicle" means a wheeled conveyance of any description which is capable of being used as such on any street.

2. (1) For the purpose of clauses (a), (b), and (c) of sub-rule (1), the weight of an animal shall be determined by applying the formula—

$$\frac{\text{Length} \times \text{Girth in inches}^2}{300} = \text{Weight of the animal in lbs.}$$

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1	2	3
Small bullock or small buffalo.	two-wheeled vehicle—	
	(*a*) if fitted with pneumatic tyres.	550 kilograms
	(*b*) if not fitted with pneumatic tyres.	400 kilograms
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	(*a*) if fitted with pneumatic tyres.	700 kilograms
	(*b*) if not fitted with pneumatic tyres.	500 kilograms
Large bullock or Large buffalo.	two-wheeled vehicle—	
	(*a*) if fitted with pneumatic tyres.	850 kilograms
	(*b*) if not fitted with pneumatic tyres.	600 kilograms
4 Horse or mule...	two-wheeled vehicle—	
	(*a*) if fitted with pneumatic tyres,	750 kilograms
	(*b*) if not fitted with pneumatic tyers.	500 kilograms
Pony ...	two-wheeled vehicle—	
	(*a*) if fitted with pneumatic tyres.	600 kilograms
	(*b*) if not fitted with pneumatic tyres.	400 kilograms
6 Camel ...	two-wheeled vehicle.	1000 kilograms

(2) Where the vehicle to be drawn is a four-wheeled vehicle, the weight specified in column 3 of the said table shall, in each case, be read

as being one and a quarter times and, if the four-wheeled vehicle is one fitted with pneumatic tyres, as being one and a half times, as much as the weight so specified.

(3) Where the vehicle, whether two-wheeled or four-wheeled, is to be drawn by two animals of either species referred to in each of the entries in column 1 of the said table, the weight specified in the corresponding entry in column 3 thereof shall be read as being twice, and, if the vehicle is one fitted with pneumatic tyres, as being two and a half times as much as the weight so specified.

(4) Where the route by which a vehicle is to be drawn involves an ascent for not less than half a mile and the gradient is more than one foot in a distance of ten feet, the weight specified in column 3 of the said table shall, in each case, be read as being one half of what is so specified.

Explanation 1.—The weights specified in this rule shall, in each case, be inclusive of the weight of the vehicle.

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5. Maximum number of passengers for animal-drawn vehicles.—No person in charge of any vehicle drawn by any animal referred to in column 1 of the table under sub-rule (1) of rule 3 shall allow more than four persons, excluding the driver and children below 6 years of age, to ride on the vehicle.

6. **General conditions for use of draught and pack animals.**—No person shall use or cause to be used any animal for drawing any vehicle or carrying any load—

(i) for more than nine hours in a day in the aggregate;

(ii) for more than five hours continuously without a break for rest for the animal ;

(iii) in any area where the temperature exceeds 37°C (99°Ft during the period between 12 NOON and 3-00 P.M.

7. Animals to be disengaged after work.—No person shall continue to keep or cause to be kept in harness any animal used for the purpose of drawing vehicles, after it is no longer needed for such purpose.

8. Use of spiked bits prohibited.—No person shall, for the purpose of driving or riding an animal or causing it to draw any vehicle or for otherwise controlling it, use any spiked stick or bit, harness or yoke with spikes, knobs or projections or any other sharp takle or equipment which causes or is likely to cause bruises, swellings, abrasions or severe pain to the animal.

9. Saddling of horses.—No person shall cause a horse to be saddled in such a way that the harness rests directly on the animal's withers without there being sufficient clearance between the arch of the saddle and the withers.

10. Certificates regarding unladen weight of vehicles, etc.—(1) For the purpose of these rules, the Board may authorise any organisation established for the purpose of preventing cruelty to animals or for promoting their welfare to issue to the owner of any vehicle which may be brought before it for examination, a certificate as to its unladen weight, and any certificate so issued may be accepted as evidence of the weight of such vehicle.

(2) Nothing contained in this rule shall be construed as being in derogation of any right conferred by any law for the time being in force authorising any local authority to determine the unladen weight of any vehicle and to grant the necessary certificate or stamp the vehicle in this behalf.

11. Powers of police officers and other authorised persons.—(1) If any police officer above the rank of a constable or any other person authorised in this behalf by the State Government or by the Board by general or special order has reason to believe that an offence against rule 3 or rule 4, has been or is being committed in respect of any animal referred to therein, he may, in any case where a weigh-bridge is available within a reasonable distance, require the owner or other person in charge of such animal to take the animal or the vehicle or both to the weigh-bridge for the purpose of determining the weight of the load which the animal has been or is drawing or carrying.

(2) If the owner or other person in charge of the aforesaid animal refuses to comply with the demand of the police officer or other person

as so authorised, it shall be lawful for such police officer or other person to take the animal or the vehicle or both to the weigh-bridge for the purpose aforesaid.

(3) As soon as any weight is determined under this rule, the owner or other person in charge of the said animal shall be given a statement in writing signed by the police officer or the person authorised as aforesaid, as the case may be, as to the weight so determined and any other information relevant for the purpose.

12. Application of rules where local bye-laws, etc. exist.--If there is in force in any area to which these rules extend, any rule, regulation or bye-law made under any law for the time being in force by any local authority in respect of any of the matters for which provision is made in these rules, such rule, regulation or bye-law shall, to the extent to which—

(a) it contains provisions less irksome to the animal than those contained in these rules, prevail,

(b) it contains provisions more irksome to the animal than those contained in these rules, be of no effect.

[No. 9-18/62-LD.]

K. C. SARKAR, Under Secy.